

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**BRUCE LAMAR HILL,****Plaintiff,****v.****SGT. EXCIPHER, et al.,****Defendant.**

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**Case No.: 4:05-cv-1995-RDP-RRA**

**MEMORANDUM OPINION**

On November 8, 2005, a Report and Recommendation (Doc. #7) was filed by the magistrate judge in this action. The magistrate judge recommended that all claims against all Defendants be dismissed pursuant to 28 U.S.C. § 1915A(b)(1), with the exception of Plaintiff's medical care and conditions of confinement claims against Defendants Wells, Bryant, Excipher, Parker, Rowe, Hooks, Fuller, Woods, Reeves, Teal, or Blythe. With respect to Plaintiff's medical care and conditions of confinement claims against those defendants, the magistrate judge recommended that these claims be referred to him for further proceedings, but specifically ordered Plaintiff to file an amended complaint setting out his medical care and conditions of confinement claims against each of the foregoing defendants, under oath or penalty of perjury, within fifteen (15) days from the entry date of the report and recommendation. The magistrate judge's order expressly warned Plaintiff that any failure to so amend his complaint could result in a dismissal of the claims against the Defendants listed above. No objections have been filed by Plaintiff. Moreover, Plaintiff did not file an amended complaint as ordered by the magistrate judge.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due

to be adopted and the recommendation is due to be accepted. Accordingly, with the exception of Plaintiff's medical care and conditions of confinement claims against Defendants Wells, Bryant, Excipher, Parker, Rowe, Hooks, Fuller, Woods, Reeves, Teal, or Blythe, the complaint is due to be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b).

With respect to Plaintiff's remaining claims (*i.e.*, his medical care and conditions of confinement claims against the defendants listed above), Plaintiff has failed to comply with Magistrate Judge Armstrong's order. That is, Plaintiff was ordered to file an amended complaint under oath or penalty of perjury and set out the basis for his claims against those defendants. Plaintiff was specifically warned that his failure to do so could result in dismissal of those claims. Accordingly, due to his failure to comply with Magistrate Judge Armstrong's explicit directions, Plaintiff's medical care and conditions of confinement claims are due to be dismissed.

A separate order will be entered.

**DONE** and **ORDERED** this 30th day of November, 2005.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE